

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VIRGINIA LATINO,
Plaintiff

V.

UNUMPROVIDENT CORPORATION,
Defendant

CIVIL ACTION NO. 04-40121-FDS

STIPULATION TO SUBSTITUTE DEFENDANT

The parties to this action hereby agree and stipulate as follows:

1. The plaintiff has inappropriately named UnumProvident Corporation as the defendant in this case.
2. Provident Life and Accident Insurance Company issued the individual disability policy at issue in this case and is the appropriate defendant for any liability arising out of the causes of action contained in plaintiff's Complaint.
3. Provident Life and Accident Insurance Company, by and through the undersigned counsel, assents to its substitution as the defendant in this case and waives any rights to additional service of process.
4. Pursuant to the provisions of the Federal Rules of Civil Procedure, 41(a)(1)(ii), all of the plaintiff's claims against UnumProvident Corporation in this action are dismissed with prejudice, without costs, and waiving all rights of appeal.

VIRGINIA LATINO

By her attorney,

/s/ Ronald B. Eskin (KHA)
Ronald B. Eskin, Esq., BBO#549290
Law Office of Ronald B. Eskin, P.C.
228 Central Street
Lowell, MA 01852
Phone: (978) 937-1600
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Dated: October 15, 2004

UNUMPROVIDENT CORPORATION

By its attorneys,

/s/ Kristina H. Allaire
Joan O. Vorster, Esq., BBO #550375
Kristina H. Allaire, Esq., BBO #646001
Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
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CERTIFICATE OF SERVICE

I, Kristina H. Allaire, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to Ronald B. Eskin, Esq., Law Office of Ronald B. Eskin, P.C., 228 Central Street, Lowell, MA 01852.

/s/ Kristina H. Allaire
Kristina H. Allaire, Esq.

Dated: October 15, 2004